

Court of Appeals, State of Michigan

ORDER

Michael William Kuzma v Randy Leviton

Docket No. 338751

LC No. 2016-003307-CK

Michael J. Talbot, Chief Judge, acting under MCR 7.211(E)(2), orders:

The motion for reconsideration is GRANTED to the extent that this Court's July 12, 2017 order is VACATED and this file is REINSTATED. Further, the Clerk's Office shall remove the designation of Greater Michigan Movers, LLC, as an appellant in this Court's records and docket this appeal with Michael William Kuzma as the sole appellant. If he wishes to proceed with this appeal appellant shall file a copy of the order appealed from and the lower court register of actions with this Court within 21 days after the date of this order or, if he is unable to do so, provide the Clerk's Office with a written explanation of why he cannot do so within the 21-day period.

The motion to waive fees is DENIED because MCL 600.2963 mandates that a prisoner pursuing a civil action be liable for the filing fees. Within 21 days of the date of this order, appellant shall pay to the Clerk of the Court the initial partial filing fee of \$42, shall submit a copy of this order with the payment, **and shall refile the pleadings which are being returned with this order.** If appellant timely files the partial fee and refiles the pleadings, appellant may not file another new civil appeal or original action in this Court until such time that either the Department of Corrections remits or appellant pays the entire outstanding balance due. MCL 600.2963(8). Failure to comply with this order shall result in the appeal not being filed in this Court and appellant not being responsible for paying the filing fee. If appellant timely files the partial fee and refiles the pleadings, monthly payments shall be made to the Department of Corrections in an amount of 50 percent of the deposits made to appellant's account until the payments equal the balance due of \$333. This amount shall then be remitted to this Court. The Clerk of this Court shall furnish two copies of this order to appellant and return appellant's pleadings with this order.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 09 2017

Date

Chief Clerk